

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DUCHONNA H. BRIGGS,

Plaintiff,

:

Case No. 3:05-cv-129

-vs-

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

:

UNITED STATES AIR FORCE, et al.,

Defendants.

**DECISION AND ORDER GRANTING IN PART AND DENYING IN PART REQUEST
FOR EXTENSION OF TIME**

This case is before the Court on Plaintiff's Motion to Request an Extention [sic] of Time for Filing Answers to Admissions, Production of Document, Interrogatories and to Modify the Scheduling Order Dated November 15, 2005 (Doc. No. 14).

Plaintiff advises that she was served requests for admissions, interrogatories, and requests for production of documents on August 9, 2006, and now wishes until December 18, 2006, to respond. To accommodate this extension, she requests that the discovery cut-off be moved from October 20, 2006, to February 2, 2007; that the Defendants' dispositive motion date be extended from November 17, 2006, to February 23, 2007; and that her own dispositive motion date be re-scheduled from January 5, 2007, to April 20, 2007. She avers that this will not delay the Final Pretrial Order scheduled for May 4, 2007.

This case was filed April 8, 2005, and is now set for trial to a jury on Judge Rice's docket on May 21, 2007, more than two years after its filing. Granting the extensions of time sought by Plaintiff would in fact necessitate a continuance of trial, because the summary judgment motions

would not even be ripe for decision by the time the trial date came. The Magistrate Judge has no authority to modify Judge Rice's trial docket or to grant continuances that would deprive the judge of the necessary time to consider and decide motions prior to trial.

Accordingly, the Court rules on Plaintiff's Motion as follows:

1. Plaintiff need not respond at all to requests for admission which were served after the cvut-off date of August 1, 2006.
2. Plaintiff's time to respond to interrogatories and requests for production of documents is extended to and including October 1, 2006.
3. All other extensions requested in the Motion are denied.

September 15, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge